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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,961	08/03/2001	Edwin Lyda	42159-023	5875
7590	12/02/2004		EXAMINER	
McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096				TRAN, HAI V
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/920,961	LYDA, EDWIN
	Examiner	Art Unit
	Hai Tran	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/05/01; 05/06/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-4, 8-9, and 11-12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Guy et al. (US 5833468).

Claim 1, Guy discloses an electronic response device for interactively responding to programming without connecting to a computer network (Fig. 1; Note: Network 108 is not a computer network) comprising:

a user input mechanism (Fig. 5, el. 506, 502, 504);
a central processing unit (CPU) capable of electronic communications with said CPU (Fig. 5 inherently must have);
a power source (inherently must have); and
a transmitter (Fig. 5, el. 208) connected to the CPU.

Claim 3, Guy further discloses wherein the input mechanism comprises a keypad(Fig. 5, el. 506); the transmitter (modem 210) is configured to send a data burst over standard telephone lines; and the communication system comprises a plain old telephone system (Col. 3, lines 51-54).

Claim 4, as discussed in claim 3, Guy 's modem 210 must be able to dial various phone numbers in order to make communication with the remote site (base station 112); therefore Guy meets " the transmitter is configured to call various telephone numbers; and the communication system comprises a plain old telephone system."

Claim 8, Guy discloses a system for providing feedback to programming, comprising:

a broadcasting device at a central location (Fig. 1);
at least one response device 106 remotely located from the central location 112 configured to receive input from a user and configured to transmit at least the user's input associated with an identifier over a communication system to the central location (Col. 2, lines 59-Col. 3, lines 17);

a computer system 104 at the central location 112 configured to transmit the user input to a broadcaster 110 (Col. 4,lines 6-21) ; and

a display located at the central location capable of receiving data from the computer system (Col. 4, lines 42-60).

Claim 9, Guy further discloses wherein user input is transmitted over the communication system as the programming is created (presentation data); and the user input is displayed to the broadcaster while the programming is being created (Col. 4, lines 64-Col. 51).

Claim 11, Guy further discloses wherein the programming comprises multiple programs (i.e., plurality of messages either from instructor/user or presentation data from the instructor; see Fig. 3);

each program is associated with a program code (each message or presentation data is associated with address that is intended to communicate); the at least a response device is further configured to transmit a program code (message) in association with the user input; and the computer system is further configured to direct user input to the program that the user input is corresponding to, based upon the program code associated with the user input (Col. 5, lines 39-65+).

Claim 12, Guy discloses a method for providing live feedback to an originator of interactive programming (Fig. 2), comprising the steps of:

transmitting the interactive programming to a recipient; providing feedback from a recipient inputting data into an input device; receiving feedback related to the interactive programming via a telephony system in real time; processing the feedback; and transmitting the feedback to the originator of the interactive programming for display (Col. 5, lines 25-65+).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. (US 5833468) in view La Fleur (US 6708214).

Claim 2, Guy discloses the input mechanism comprises a keypad (Fig. 5, el. 506);

Guy does not clearly disclose the transmitter comprises a two-way paging device; and the communication system comprises a two-way paging system.

La Fleur disclose a communication device using a two-way pager for two-way wireless communication (Col. 2, line 55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guy with La Fleur so to take the advantage of the well-known paging system for wireless communication. Moreover, the wireless two-way paging device is made with low power consumption, which is very desirable for mobile applications, such as paging.

Claim 5, Guy discloses the input mechanism comprises a keypad (Fig. 5, el. 506);

Guy does not clearly disclose the transmitter comprises a wireless Internet protocol device; and the communication system comprises an Internet protocol system.

La Fleur disclose a communication device using a wireless Internet protocol device; and the communication system comprises an Internet protocol system (Col. 3, lines 24-65+). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guy with La Fleur so to provide to

user an alternative way to communicate with the base station through Internet network.

Claim 6, La Fleur further discloses wherein the Internet protocol system further communicates with a telecommunications system (Col. 3, lines 56-62).

Claim 10, see analysis of claim 2.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. (US 5833468) in view of Yoshinoby et al. (US 5721584).

Claim 7, Guy does not clearly disclose an indicator for indicating the connection status of the electronic response device to a communication system; however, Guy shows activities between users during connectivity (see Fig. 4).

Yoshinobu discloses an indicator for indicating the connection status of the electronic response device to a communication system (Col. 12, lines 22-30 and col. 18, lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guy with Yoshinobu so to provide to user a way to detect the condition (Connect or Not connect) of the communication process between two communication devices.

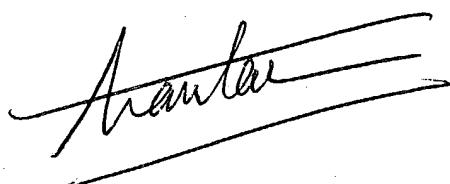
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
11/26/2004



HAI TRAN
PATENT EXAMINER